



Illinois Liquor Control
Commission

HAPPY HOURS PROHIBITED

Prohibition of consumer drink specials, contests, giveaways

The followed is ALLOWED:

- Selling pitchers (or the equivalent, including but not limited to buckets), carafes or bottles of alcohol, customarily sold in that manner and delivered to 2 or more persons.
- Offering free food or entertainment.
- Including drinks as part of a meal package.
- Increasing drink prices in lieu of cover charge to offset the cost of special entertainment not regularly scheduled.

The following is PROHIBITED during ALL hours of operation:

- Serving two or more drinks to one person for consumption by that person (exception for wine by the bottle or carafe).
Promotions such as: 2-for-1 drinks, or any type of promotion which discounts drinks at a 2-for-1 or greater (3-1, etc.) price, are prohibited.
- Serving an unlimited number of drinks during a set period of time for a fixed price (the exception is for **private functions*** not open or advertised to the public). *Promotions such as: "\$5 all you can drink;" "\$5 unlimited beer from 5:00 to 7:00 pm;" etc., promotions are prohibited.*
- Reducing or fluctuating prices during the licensed premises' normal operation hours (from opening until closing). Prices must be the same for **all** customers, for all purchases for the whole day.
Promotions such as: "Brand 'X' beer is \$1.50 from 5:00 to 7:00 pm;" "Monday is Ladies' Night — All Drinks for Women are \$1" specials are prohibited.
- Increasing the volume of alcoholic liquor contained in a drink or the size of a drink, without proportionally increasing the price regularly charged for that drink on that given day — this applies to mixed drinks.
For promotions such as: Mixed Drinks — "Double the shot in your drink for 25¢ more" is prohibited.
- Any game or contest which involves drinking alcoholic liquor or awards drinks as prizes.
For example: Anyone drinking four shots of liquor within ten minutes gets a free t-shirt, is not allowed.
- Advertising, on or off premises, any of the practices prohibited by this law.

***Private Function** (defined per 235 ILCS 5/1-3.36), means a prearranged private party, function or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private party, function or event.

Examples of consumer specials which COMPLY WITH THE LAW:

“All-you-can-eat buffet and two domestics drafts for \$25 from 7-9pm.”

This meal package includes “reasonable limit” on the number of drinks and, since alcohol is not the focus of the package, it can also be offered during a specific time period.

“Room rate is \$79.95 per night which includes coupon for two drinks at the hotel bar.”

Contains “reasonable limit” on number of drinks and does NOT include the prohibited words “free” or “complimentary.”



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Questions and Answers:

Q Can a retail licensee offer a 2-drink-for-the-price-of-1 promotion?

A NO. *However, a retail establishment may offer products at half price, as long as the price for that product (or products) is charged the whole day. Further, a retailer may highlight a product by discounting the regular price, as long as the discounted price is offered all day to all patrons.*

Q Can a retail licensee offer promotions such as: \$5 all you can drink from 5:00 to 7:00 pm?

A NO. *Offering unlimited drinks for a fixed price is prohibited. The only exception is for a private function not open or advertised to the public; for example, weddings, Christmas Parties, etc. (see definition at bottom of reverse side).*

Q Can a retail licensee sell tickets for all-you-can-drink events which are closed to non-ticket holders?

A NO. *Events in which ticket sales are advertised to the general public are not private functions. Since the event does not meet this exception, unlimited drink service is not allowed under this scenario.*

Q Can a retail licensee change the price of an alcoholic drink during a given day?

A NO. *However, the retail licensee can change the price of the product(s) from one day to the next. A “day” is defined as from the time the licensee is allowed to open, until the time the licensee must close.*

Q Can a retail licensee give away drinks as prizes to a game or contest held on the premises?

A NO. *Drinks may not be awarded as prizes and games cannot involve alcohol consumption.*

Q Can a retail licensee increase the volume of alcohol contained in a drink or the size of a drink?

A Yes, *however, the price of the drink must also be increased to reflect the added alcohol.*

Q Can a retailer offer “bucket” promotions, such as six long neck bottles for \$6?

A Yes, *as long as the promotion (e.g. price of the “bucket”) is offered all day to everyone.*

Q Can a retail licensee sell a “shot and a beer”?

A Yes. *“Boilermakers” are considered to be one drink.*

Q Can I charge one price for a drink in the restaurant and a different price in the adjoining lounge?

A Yes. *Multi-use establishments may charge different prices in different rooms, provided the prices remain the same all day, and a separate price schedule is kept for each room.*

Q What is the penalty for violating Happy Hour Law?

A Violation of this law (235 ILCS 5/6-28) can result in a FINE or the license being SUSPENDED or REVOKED.

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